GENERAL AND REVENUE SECRETARIAT

1904

(Civil Courts)

File No. 139 of 1904-05

Serial Nos. 1 and 2

Papers Filed.

Month November 1904

SUBJECT.

Procedure in cases of persons escaping into the British Territory after committing breach of Contract in Mysore

Previous References.	Later References.

G. R. S. 11] 1904. 05

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 1389

FILE HEADING.

Procedure in Cases of persons escaping into British Territory after Committing breach of Contract as Myore

From

The District Magistrate, Chitaldrug.

No. 258 Dated 10/11/04 Received 12/11/04

Diary No. 9976 | Enclos. one Spare Copies. | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests to be informed if cases of persons escaping into British Territory after committing an offence under the Breach of Contract Act are cognizable & what procedure is to be followed in such Cases, if no warrants can be issued.

NOTES AND ORDERS.

File 1-12-04

Police Inst. Act

D.S. Jaya's remarks d 12/11/04:-

"Inform Dist Magistrate that an offence under the Breach of Contract Act is not cognizable. He may purchase a copy of the Report, just Printing, Calcutta from his contingencies. [Dis cannot pass a grant.

NOTES—First sheet.

MGCPB—25,000—16-8-04

G.R.S. 12]
General and Revenue Secretariat.

File No. 139 of 1904-05

Serial No.

8 Apr 2 Sgd 554/04.

orders on the subject. Also whether the Sub'd. the order has been passed

Draft Sub'd

DC 18/11/04 RK 18.11.04 Sec'y

Draft submitted to the Dewan Saheb there the 1st Councillor

19-11-1904

1042 19-11-04

I agree that the offence is not extraditable, but I am not sure that we should not treat our Magistrates more liberally by giving them permission to buy at least a copy of the Act for the use of each of the subordinate Magistrates under them.

21-11-04

21.11.1904

2916 22.11.04.

2918

The District Magistrate does not plead the insufficiency of the number, and he was not even purchased the copies which he has already been authorized to buy & wastes time of Govt. in an unmeaning reference.

26.11.04

(Sd. apps)

MGCPB—10,000—31-8-04.

General and Revenue Secretariat.

File No. 139 of 1904-05

Serial No. 2

To the District Magistrate, Bhikaldroog.

No J/1388/C.29.2 of the 29th November 1904

State that an Alienee under the Breach of Contract Act is not entitled to appeal his Court order No J 457-458/C.55.2 of the 7th August 1905 regarding the purchase of lands of the Indian Enfranchisement Act XV of 1893

III Draft 12/11 (Courts)

L 976.
1904

FROM
N. Ramaswamy Aiengar Esquire
District Magistrate
Chitaldrug District

To
B. L. Venkataramaniengar Esquire
Secretary to the Govt: of His Highness
the Maharaja of Mysore, General
and Rev Departments, Bangalore

Dated 6th November 1904

Despatched

Received

General No. 258
No.

Enclosure No. 1

Soliciting instructions
regarding the procedure to be
followed in cases coming under
the Breach of Contract Act
in which the Offenders escape into
British Territory after
committing such Offences in
the Mysore State ——

Before one leaves
that Appellate under the
Breach Contract Act
can be entertained
he may purchase a copy
from the Court, for Rs 1/8/-
from his Counsel: [Do we
not have a General order on this point
If so, refer him to it]

1 9976 File No 139

Chitaldroog Dist: Magistrate's Office.

No 258

Enc 1.

Dated 19th November 1874.

From,

N. Ramanujaiengar Esq:
District Magistrate
Chitaldroog.

To,

B. K. Venkatanarainiengar Esq:
Secretary to the Govt:
of Mysore
Genl: & Rev: Depts:

Sir,

I have the honor to forward herewith for the orders of Government, report No: 48 dated the 14th Ultimo with its enclosures received in Camp on the 29th idem from the Amildar Magistrate Kirigur, seeking instructions as to whether he Could issue warrants under the breach of

Contract Act, for the arrest of persons who after receiving from the officers of the P. W. Department Iron Kanawe works; certain advances have escaped into British Territory without working them out.

2. Under section 11 of Extradition XXI of 1879 and the schedule attached thereto, warrants for the arrest and surrender of persons residing in British Territory are to be issued only by the Political agent for certain offences under the Indian Penal Code. But the present case the question is whether extradition warrants can be issued for offences under the breach of Contract Act XIII of 1859 which is

a Special law provided for the punishment of breach of Contract by artificers workmen.

3. In the Correspondence embodying Government Proceedings No: 2740-8 dated the 20th June 04, a reference has been made to Indian Extradition Act of 1903 in regards to the procedure prescribed for the Extradition in certain cases. The said act having recently Come into force and no Copy of it having been supplied for the use of this office, I have no means of knowing whether any provision has been made therein to meet cases similar to the one under reference.

Let him be advised to apply for a copy from the Secretary Legislative Department

4. As large sums of money have been advanced by the

D. P. W. at Kamiktamaive to work
men who are mostly natives
of British India, to ensure a
speedy completion of this im-
portant work, it would result
in great loss to Government
if such persons escaping into
their country, cannot be pro-
ceeded against for breaches
of their Contract for want
of a provision in the law in
respect of their surrender.

5. I therefore solicit the favour of early and definite in-
-structions on the subject.

I have the honor to be
Sir
Your most obdt Servt.

H Hamilton Simpson
District Magistrate
Chittaldrug

G.R.S. 26]

File No. 139
Serial No. 2

Diary No. of letter replied to J 976.

No. J 1388
C. 139-2

General and Revenue Secretariat
(Courts)
, *the* 29/11/1904

To
The District Magistrate of
Bharatdurg.

Date of issue 29/11/04

Signed by Mr K.S. Chandrasekhara Aiyar

Sir,

In reply to your letter No. 258 dated the 10th November 1904, requesting instructions as to whether extradition warrants can be issued for offences under the Breach of Contract XIII of 1859, I am directed to state that an offence under [that Act] ~~the Breach of Contract Act~~ is not extraditable.

2. With reference to para 3 of the letter under reply, I am to refer you to Government order No. J 45-458/C.55.2 dated the 17th August 1904, which authorises the purchase of 2 copies of

over.

SUBJECT.

b

the Extradition Act XV of 1903. for enabling the District Magistrates offices, the Cost thereof being met from the District Magistrates Office Contingencies

I have the

19-11-04

Secretary

18/11/04

18-11-04

List of enclosures.

Copied by 28-11-04 T. Ahmed

Examined by S. Nicholas

MGCPB—5,000—20-5-04